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8 Attorney for Defendant
9 TYRONE DAVIS

10
11 IN THE UNITED STATES DISTRICT COURT
12
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

No. CR 12-00500 YGR

15 Plaintiff,

16 v.

**STIPULATION AND PROPOSED
ORDER CONTINUING HEARING**

17 TYRONE DAVIS,

18 Defendant

/

19 At that last calling of this case, the matter was continued to December 13, 2012 at 2:00
20 p.m. for trial setting. On November 28, 2012 the clerk filed a notice that the hearing would be
21 held at 9:00 a.m., rather than at 2:00 p.m., on December 13, 2012.

22 Counsel for defendant is unavailable at 9:00 a.m. on December 13, 2012 as he already has
23 several pre-scheduled court appearances previously set in three separate state courthouses that
24 morning. Counsel is also unavailable on December 27, 2012 and January 3, 2013 because he is
25 scheduled to be out of the area. Accordingly,

26 IT IS STIPULATED between the parties, by and through their respective counsel, that the
27 status hearing currently set in the above-referenced case on December 13, 2012 may be continued
28 four weeks to January 10, 2013 at 2:00 p.m. so that defense counsel is available for and may

1 attend the trial setting court appearance. The parties agree the ends of justice served by granting
2 the continuance outweigh the best interests of the public and defendant in a speedy trial given
3 defense counsel's unavailability and the need for continuity of counsel. Therefore, the parties
4 further stipulate and request that the Court exclude time between the date of this Stipulation and
5 January 10, 2013 under the Speedy Trial Act for effective preparation of counsel, continuity of
6 defense counsel, and pursuant to 18 U.S.C. §§ 3161(h)(4) and (7)(B)(iv).
7

8 **SO STIPULATED.**

9
10 MELINDA HAAG
United States Attorney

11
12 DATED: December 10, 2012


By: /S/Benjamin Patrick Tolhoff
BENJAMIN P. TOLKOFF
Assistant United States Attorney

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15 DATED: December 10, 2012

By: /S/Erik Babcock
ERIK BABCOCK
Counsel for Defendant

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18 **SO ORDERED.**

19 DATED: December 12, 2012

20 
21 Honorable Yvonne Gonzalez Rogers
22 UNITED STATES DISTRICT JUDGE
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